

## LEGAL AID AND DEFENDER ASSOCIATION

### **2006 Private Attorney Involvement Plan**

#### **Introduction:**

The Legal Aid and Defender Association, Inc. (LAD) provides civil legal services to low-income clients in Oakland, Macomb, and Wayne Counties. Approximately 613,059 individuals in this service area are living at or below 125% of the poverty level.

This is LAD's 2006 Private Attorney Involvement Plan (Plan) in accordance with 45 CFR § 1614. The Plan describes:

- I. Program Goals for 2006.
- II. PAI Projects
- III. PAI Unit Structure and Staffing
- IV. Recruitment
- V. Recognition and Retention
- VI. Support and Technical Assistance
- VII. Quality Control

#### **I. Goals for 2006**

We will place and close 1,000 cases with pro bono attorneys in 2006.

We will diversify the types of cases we place, emphasizing those cases that are a priority to our clients. Over forty (40) % of the cases closed in 2005 involved administrative hearings, settlements with or without litigation or litigation.

Meeting these goals will substantially increase services to LAD's clients.

## **II. PAI Projects**

We offer a wide variety of ways to participate in pro bono work:

**Bodman LLP Projects** – We have developed two projects with the Bodman Longley LLP firm. Through the **Bodman Intake Project** attorneys from the firm come to LAD's downtown office each Monday at 9:00 a.m. to assist with walk-in intake. Applicants walk-in without an appointment from 9:00 a.m. – 11:00 a.m. The PAI staff pre-screens applicants for eligibility and potential conflicts before the Bodman attorney meets with each applicant. The Bodman attorneys advise each applicant and indicate if their case will be accepted for for a variety of services from pro se assistance to full representation. Bodman's assistance helps our walk-in intake flow more quickly as there are more attorneys available to speak with the many clients who walk in.

Bodman also reviews sixteen to twenty cases a month for direct placement with Bodman LLP attorneys. Prospective cases are emailed to the firm for review Bodman promptly advises us which cases are accepted and considers any of the case types needed by LAD clients.

**Community Seminars** – We have developed a series of community presentations that provide preventative legal information to our clients. Pro bono attorneys present these power point seminars at senior citizen apartment complexes, Covenant House, a program for 18-22 year old homeless youth; community based programs for ex-offenders such as Wings of Faith and Women Arise, Positive Images, a

program for homeless women, and other locations in the tri-county area: The seminars are:

**Child Support Issues As You Go Back to Work**

**Debts and More Debts -How to Handle Your Debts**

**Drivers' License - Can I Get My Drivers' License Back?**

**Earned Income Tax Credit – Does the IRS Owe You Money?**

**Employment - What Can a Potential Employer Ask Me About Child Care, Arrests**

**Expungements – What Can I Do About an Arrest or Conviction Record**

**Income Taxes –What You Need to Know About Filing Your Tax Return**

**Identity Theft, Could You Be a Victim**

**Landlord Tenant Rights**

**New Prescription Drug Program for Seniors**

**Student loans – Can I Get a Loan to Finish School If I Already Owe Money?**

**Used Cars - How to Buy a Used Car**

Six (6) of the presentations were developed by the Summer Associates at Dykema, Gossett PLLC as a pro bono project. A senior partner at Dykema volunteered to supervise their work.

We have a Power Point presentation and handouts for each topic.

These insure that the pro bono attorneys' presentations are consistent and provide substantive information. The Community Seminars are extremely popular. We will expand the topics we offer in the coming year.

### **Co-counseling arrangements**

We continue to recruit private attorneys to co-counsel cases with LAD attorneys. LAD cannot seek or accept attorney fees under Legal Services Corporation regulations. However, pro bono co-counsel is not precluded from seeking such fees for their own work where appropriate.

### **Detroit Legal Services Clinic (DLSC) – The Detroit Metropolitan Bar**

Association (DMBA), several large law firms, and corporate counsel staffs conduct this Clinic. LAD provides twenty (20) to thirty (30) cases a month for placement. Case types include consumer, probate, real estate, removing barriers to employment, and tort defense.

### **Ford Motor Company Pro Bono Project (FMCP) – Since 1984 Ford Motor**

Company's corporate attorneys have accepted case referrals directly from LAD. They accept cases involving senior citizens with family, consumer fraud, probate and real estate problems. The Ford Motor Company attorneys also participate in the DLSC program and take additional cases for LAD clients at those clinics.

### **The Macomb County Pro Se Divorce Clinic – A PAI staff paralegal**

supervised by an attorney makes presentations to groups of eligible clients who need a simple divorce. The presentation helps the clients prepare the pro se pleadings and explains the simple divorce process. Clinics are held twice a

month in the Robert Verkuilen Building in Macomb County. All participants are pre-screened by LAD staff to insure that they can handle their divorce pro se and that there are no complex issues. Pro bono attorneys meet with each attendee individually. The pro bono attorney reviews their pleadings and provides individualized advice and counsel at the Clinic.

Attendees may return to the Clinic as needed for follow-up appointments with the pro bono attorney. PAI staff answers questions between clinics and prepares the follow-up pleadings for pro se participants with children. The Clinic is highly successful with almost 94% of the attendees filing and obtaining their divorce.

**Volunteer Civil Law Project (VCLP)** – We place cases with solo practitioners and smaller firms in Macomb, Oakland, and Wayne counties. VCLP attorneys represent eligible clients in the areas of consumer, real estate, government benefits, barriers to employment, expungement, special education, probate, tort defense, family, and landlord/tenant law. All individual pro bono attorneys who wish to participate in direct pro bono representation are assigned to this pro bono panel.

We also work with the Oakland County Bar Association placing cases through their pro bono attorney referral panel. We also partner with the Macomb County Bar Association to place cases with their pro bono referral panel.

### **III. Private Attorney Involvement Unit Structure**

The Private Attorney Involvement Unit (PAI) promotes pro bono participation by the private bar. All PAI staff focus solely on developing private attorney involvement to expand services to our clients. The PAI staff includes:

**A Managing Attorney** – Program management, development of procedures and systems, recruitment, grant writing and reports, supervision of PAI staff, preparation of cases for placement, case placement, developing volunteer training, and mentoring pro bono attorneys.

**A Staff Attorney** – Assists with recruitment, preparation of cases for placement, placement of cases, legal research, obtaining case closure information, preparation of cases for closure, mentoring pro bono attorneys.

**A Part-time Attorney** – Assists with preparation of cases for placement, research, and development of training and community seminars.

**A Paralegal** – Assists with preparation of DLSC and VCLP cases for placement and closure, legal research, obtaining case closure information, tracking cases, and recruitment.

**A Paralegal** – Assists with preparation of cases for placement and

closure, tracking cases, recruitment, presents the Macomb Pro Se Divorce Clinic and handles calls from pro se clients, scheduling, and preparation of divorce pleadings.

**An Office Manager** –Office management including logistics and scheduling of the community seminars, secretarial duties, supervision of the clerk, and developing promotional and recognition material.

**A clerk** – Clerical duties including case management data entry, updating volunteer data base, mailings, and general clerical support.

The PAI staff participates in local and state bar associations, other professional associations, task forces and statewide planning committees.

#### **IV. Recruitment**

We use a variety of methods to recruit and retain pro bono attorneys.

We provide free trainings for prospective pro bono attorneys. We held the following trainings in collaboration with the Detroit Metropolitan Bar Association. We asked all attendees to handle three pro bono cases or perform 30 hours of pro bono work for LAD. Many of the trainees have met this commitment. The trainings given in 2005 include:

**Wills and Estate Planning for New Attorneys, which** introduced estate-planning techniques for small and modest estates. including wills, testamentary trusts, living trusts, medical and durable powers of attorney. It included a mock client interview for estate planning.

**Probate Procedures and Tax Aspects, which** covered probate procedures for decedents' estates, guardianships and conservatorships, special procedures for Macomb, Oakland and Wayne probate courts, and tax issues.

**Buying, Selling and Transferring Personal Residences** discussed how to handle the buying, selling or transferring personal residences, including tax issues.

**Special Education Law** covered how to represent children with disabilities, the federal Individuals with Disabilities Education Improvement Act (IDEIA), the Individual Education Program Team (IEPT) process, having children properly evaluated, students' and parents' rights, discipline issues for special education students, and recent changes in the law. .

We provided a disk to participants at each training. The disk contained checklists, outlines and sample documents. We will continue to develop additional free trainings for prospective pro bono attorneys/.

PAI staff can customize training for a firm or corporate legal staff that wants training to handle pro bono cases. We utilize the expertise of LAD staff, and other private practitioners working pro bono to provide quality training in virtually any area of interest for pro bono work.

For example, in 2005 we provided "in house" training for the General Motors's Corporate Legal staff and Ford Motor Company's Corporate Legal staff in wills and estate planning. We also provided specialized "in house" training to the legal staff at Bodman LLP.

We will continue "targeted recruitment", seeking attorneys who already handle the types of cases that are coming to our Intake Unit. We will particularly emphasize the recruitment of attorneys to handle cases that cannot currently be handled by



LAD staff due to the high demand for services or cases where staff does not have expertise. For example, we will continue to recruit private attorneys who handle social security disability cases, income tax issues, domestic, expungement, real estate and consumer cases.

We will continue to recruit private attorneys who speak Spanish, Arabic, and Chaldean to handle individual cases for Hispanic and Middle Eastern clients. We will work with the Hispanic and Arabic Bar Associations to recruit and develop those resources.

The PAI staff uses other recruitment techniques including:

- E-mail contact with prospective volunteers.
- We call prospective attorneys directly
- We pass and mail out literature asking for volunteers
- PAI staff attend the new attorney swearing in ceremonies
- LAD provides malpractice insurance coverage for any attorney handling a pro bono case
- LAD provides mentoring, library and reference materials, sample pleadings, and PAI staff is available for assistance to attorneys handling pro bono cases

## **V. Recognition and Retention**

LAD held an evening Pro Bono Awards Ceremony on September 13, 2005. The event, at the Southfield Public Library, recognized the overwhelming pro bono

contributions of many attorneys, firms, and corporate legal staff in the tri-county area. The event was sponsored by the Legal aid and Defender's Civil Law Group Legal Services Corporation Policy Board Chaired by Mark P. Fancher. Our guest Speak was Karen Sarjeant, Vice President for Programs and Compliance of the Legal services corporation. Awardees included:

- 1. Friends of Legal Aid and Defender Association, Inc. Award** given to James P. Cunningham, Katherin Entenmann, J. Russell LaBarge, Jr., Honorable Michael R. Osaer, and Donald Tucker for their ongoing support of access to justice for the poor.
- 2. Law Firm Pro Bono Award of the Year** given jointly to **Dickinson Wright PLLC** and **Dykema Gossett PLLC** for their commitment to provide pro bono work on numerous cases for LAD clients.
- 3. Corporate Counsel Pro Bono Award** to the **Ford Motor Company** who since 1984 has been a collaborative partner, regularly accepting many pro bono cases and contributing to LAD's endowment.
- 4. Impact on Domestic Violence Award** given to **Eileen R. Scheff** for her outstanding work on several domestic violence cases.
- 5. Pro Bono Spirit Awards** given to **Stephen J. Hopkins, Max D. McCullough,** and **Andrew C. Richner** for their outstanding work on behalf of pro bono clients.
- 6. Pro Bono Attorney of the Year** to **Nicole L. DiNardo** for handling many large and complicated pro bono cases that positively impacted the lives of a number of clients.

A copy of the Program Booklet detailing significant work on behalf of pro bono clients by other attorneys and firms is enclosed. Our Pro Bono Awards Ceremony will be an annual event.

LAD also participates in the award ceremonies held by the Oakland County Bar Association and the Macomb County Bar Association. Attorney **Ian Lyngclip** received the **Pro Bono Attorney of the Year Award** from LAD at the Oakland County Bar's ceremony. Attorney **Barbara Yockey** received the **Pro Bono Attorney of the Year Award** from LAD at the Macomb County Bar ceremonies.

LAD and PAI staff is also involved in planning a recognition luncheon the Macomb County Bar Association's Pro Bono Committee is holding for all Macomb County pro bono attorneys later this year.

We also promote retention by:

- Certificate recognition given to all volunteers/firms; and
- Submission of volunteers names to appropriate Bar Associations for publication

## **VI. Support and Technical Assistance**

We provide support and technical assistance to volunteer attorneys by:

- access to office space and computers;
- access to LAD's law library, brief bank and sample pleadings on request;
- maintaining malpractice insurance for all attorneys who accept a case;
- development of a lending library of substantive legal materials for volunteers
- funds to cover fees and costs not waived by court rule with a prior request
- The PAI staff and experienced pro bono volunteers mentor volunteer attorneys
- We can pair new attorneys with more experienced attorneys when appropriate; and
- PAI staff is available for immediate assistance.

## **VII. Quality Control**

The PAI staff follows specific procedures to assure quality representation of our clients:

- We verify that all VCLP volunteers are licensed to practice law and are in good standing with the Michigan State Bar;
- The firms that participate in the DLSC assure LAD that attorneys who participate in that project are qualified; and
- We monitor the attorney disciplinary notices published in the State Bar Journal and local legal newspaper.

To assure appropriate case referrals, we ask attorneys:

- to identify their areas of practice,
- what types of cases they wish to take,
- what areas they would like training in

We use this information to determine the experience and interest of the volunteer so we can make appropriate placements.

Once cases are assigned PAI staff:

- monitor case progress through contact with the pro bono attorney and the client;
- obtain the case status and closure data required by LAD's funders; and
- the Managing Attorney reviews all files before closure.

Client surveys are routinely sent to PAI clients to gather information about volunteer attorney's services. We also send a survey to pro bono attorneys for their comment on their pro bono experience. The Managing Attorney reviews this information.